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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,881	12/30/2003	Amy M. Tupler	CE11883JSW (79537)	8441
22242	7590	06/29/2005	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			LEE, BENJAMIN C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,881

Applicant(s)

TUPLER ET AL.

Examiner

Sihong Huang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

1. The drawings are objected to because the structural elements in Figure 1 (e.g., process center 132, user 134, emergency service providers 136, wired/wireless network 142) are merely labeled with identifying numbers. Since these elements are illustrated as blank boxes which do not correspond to well known graphical representations, applicant is required to provide suitable legend under 37 C.F.R. 1.83(a) and 1.84(g). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claims 24 and 25 ("The system") is not consistent with the preamble of claims 17 and 7 ("A method"). Should claim 24 be made dependent from claim 20 instead of claim 17?

"The processor" in claim 24 lacks antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-13 and 16-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bottan et al (US Pub. No. 2002/0042846 A1).

Regarding claims 1 and 3, Bottan document discloses a method for use in dispatching emergency services and notifying at least one additional contact (see Fig. 4 and page 2, section [0021]), comprising: wirelessly receiving a request for emergency services from a remote wireless device (112, page 3, section [0026]); retrieving (from subscriber database 107, page 9, section [0176]) an emergency contact list according to the type of emergency (see page 3, sections [0058] – [0064] and page 4, sections [0092] – [0103]); determining at least one emergency contact (e.g., family members and friends, etc.) other than emergency services (e.g., service providers and health care professionals, etc.)

according to the emergency contact list (based on the rules defined/set by the subscriber); and notifying the at least one emergency contact of the request for emergency services (page 4, section [0107]).

Regarding claim 2, Bottan document discloses determining a mode of communication and notifying according to the mode of communication (page 4, section [0091], page 7, sections [0158] – [0159]).

Regarding claim 4, Bottan document discloses verifying the request for emergency services (page 7, section [0158]).

Regarding claims 5 and 6, Bottan document discloses re-notifying (page 7, section [0159], lines 10-16).

Regarding claims 7, 8 and 17, Bottan document discloses a method for use in providing wireless communications (Fig. 4), comprising: receiving a request for emergency services (at message processing system 401 from cell phone 112); identifying a user from whom the emergency services are requested (through subscriber ID or cell phone #, etc.); evaluating the request for emergency services (page 1, section [0012], line 6); retrieving (from subscriber database 107) an emergency contact list containing at least one member to be contacted (e.g., family members and friends, etc.); and contacting the at least one member of the emergency contact list and notifying the member of the received request for emergency services (page 1, section [0012]). And, notifying one or more emergency services (e.g., services providers and health care professional, etc., see page 4, sections [0095] – [0103]).

Regarding claim 9, Bottan document discloses sending message (page 4, section [0111]).

Regarding claims 10-13, Bottan document discloses establishing communication between the subscriber, member of the contact list and/or the notified emergency services (page 8, section [0160]).

Regarding claim 16, Bottan document on page 3, section [0025], discloses detecting a change in a condition (e.g., open/closed) that exceeded a threshold (e.g., set proximity distance) which initiates/triggers the transmission of the request.

Regarding claim 18, Bottan document discloses the claimed limitation (page 3, section [0026] and page 7, section [0155]).

Regarding claim 19, Bottan document discloses an alert beacon indicating the location (e.g., GPS location of the cell phone or transmitting device, section [0026]).

Regarding claims 20-23, Bottan document discloses a system for providing emergency notification (Fig. 4 and page 2, section [0020]), comprising: a processor (401, page 9, section [0176]); a memory (107) that stores at least one emergency contact list (page 3, sections [0058] – [0064] and page 4, sections [0092] – [0103]); and a wireless transceiver (410, page 9, section [0180]) that wirelessly receives a request for emergency service; wherein the processor evaluates the received request for emergency service (page 1, section [0012]), retrieves (from subscriber's database 107) the at least one emergency contact list associated with the received request for emergency services, and generates a communication to at least one member identified from the at least one emergency contact list (page 1, section [0012]).

Regarding claims 24 and 25, Bottan document discloses that the processor (401) initiates an alert location beacon (e.g., the notifying signal/message containing the GPS location of the cell phone or caller to the emergency providers and/or members of the contact list, since the notifying method can be voice call, the alert beacon would be audio).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US Pub. No. 2002/0042846 A1).

Bottan document differs from the claimed invention in that it does not disclose contacting an escort. Since the contact party is defined by the subscriber based on the particular event set by the subscriber, contacting an escort in a particular situation/event can be set by the subscriber if desired or needed. And therefore, it is an obvious modification to the system of Bottan to include an escort service provider in the subscriber's database contact list when such service is needed and conditions are met. Bottan further differs from claims 14 and 15 in that it does not disclose providing driving direction to the service provider. However, since the GPS location (destination location) is known and can be provided in the system of Bottan, driving direction can be provided if needed. In addition, incorporating traffic information to enhance rapid response or service would

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have been an obvious modification to the system of Bottan for such information is readily available.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jeon (US 2005/0124318 A1), Adamczyk et al. (US 2004/0227629 A1), Wong (US 2004/0152441 A1), Rodgers (US 2004/0113768 A1), Fu et al. (US 2002/0169584 A1) and Kuragaki et al. (US 6768,417 B2) are cited to show similar emergency support systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sihong Huang whose telephone number is 571-272-2958. The examiner can normally be reached on Mon & Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Sihong Huang
June 17, 2005

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.